

REMARKS

Favorable reconsideration of this application is respectfully requested in view of amendments above and the following remarks.

Status of Claims

Claims 1, 2, 4-6, 8-16 are currently pending in the application of which claims 1 and 5 are independent. Claims 1, 2, 4-6, 8-16 were rejected. Claims 3 and 7 were previously canceled.

By virtue of the amendments above, claims 1, 5, 10 and 13 have been amended.

No new matter has been introduced by way of the amendments above. Entry thereof is therefore respectfully requested.

Summary of the Office Action

The specification was objected to under 37 CFR § 1.77(b) as allegedly failing to comply with the guidelines.

Claims 1, 5, 10, and 13 were objected under 37 CFR § 1.75 because of informalities.

Claims 1 and 16 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by U.S. Patent Application Publication No. 2002/0131427 to Niermann (hereinafter "Niermann") in view of U.S. Patent No. 6,590,965 to Poole et al. (hereinafter "Poole").

Claim 2 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole as applied to claim 1 above, and further in view of U.S. Patent No. 6,944,184 to Miller et al. (hereinafter "Miller").

Claim 4 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole as applied to claim 1, and further in view of U.S. Patent No. 7,054,326 to Garcia-Martin (hereinafter “Garcia-Martin”).

Claims 5, 6 and 12 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole and Miller.

Claim 8 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole and Miller as applied to claim 5, and further in view of Garcia-Martin.

Claim 9 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole and Miller as applied to claim 5 above, and further in view of U.S. Patent Application Publication No. 2007/0220166 to Lundstrom (hereinafter “Lundstrom”).

Claim 10 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole and Miller as applied to claim 5 above, and further in view of U.S. Patent Application Publication No. 2003/0016684 to Prasad et al. (hereinafter “Prasad”).

Claim 11 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole and Miller as applied to claim 5 above, and further in view of Prasad.

Claim 13 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole as applied to claim 1 above, and further in view of Prasad.

Claim 14 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole as applied to claim 1 above, and further in view of Lundstrom.

Claim 15 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by Niermann in view of Poole as applied to claim 1 above, and further in view of Prasad.

The aforementioned rejections are respectfully traversed for at least the reasons set forth below.

Specification Objections

The Office Action objects to the specification as allegedly failing to satisfy the specification guidelines under 37 CFR 1.77(b). More specifically, the Office Action asserts that the disclosure is objected to because it does not include background of the invention, brief summary of the invention, brief description of the drawings and detailed description of the invention. The Examiner notes that the titles corresponding to the contents to distinguish one section from another are required.

Applicants note that the guidelines under 37 CFR § 1.77(b) are in fact guidelines and are thus not mandatory. Thus, it is respectfully requested that this objection has been overcome.

The Office Action also objects to the specification on page 5, line 23 for reciting the signaling gateway 306 instead of the signaling gateway 310. In light of the amendment to page 5, line 23 of the specification herein, it is respectfully submitted that this objection has been overcome.

Claim Objections

Claims 1, 5, 10, and 13 were objected under 37 CFR § 1.75 because of informalities.

Claims 1 and 5 were objected to for reciting “MT3 API”. In light of the amendment of claim 1 reciting “a message transport part layer 3 (MTP3) application programming interface (API)” as suggested by the Examiner, it is respectfully submitted that this objection has been overcome.

Claim 1 was objected to for reciting “a message transport part layer 3” again in lines 7-8. Claim 1 was amended to recite “MTP3”, as suggested by the Examiner. Claim 5 was similarly amended. Thus, it is respectfully submitted that this objection has been overcome.

Claim 10 was objected to for reciting “a message transport layer 3 (MTP3)”. However, claim 10 does not recite a message transport layer 3 (MTP3). Claim 10 was amended to recite “MTP3 API” instead of “MT3 API”. Thus, it is respectfully submitted that this objection has been overcome.

Claim 13 was objected to for reciting “MT3 API”. Because the base claim 1 was already amended to recite “a message transport part layer 3 (MTP3) application programming interface (API)”, it not necessary to redefine the acronym. Thus, claim 13 was amended to recite “MTP3 API” instead of “MT3 API”. Thus, it is respectfully submitted that this objection has been overcome.

Claim Rejections Under 35 U.S.C. § 103(a)

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex Inc.*, 550 U.S.398, 82 USPQ2d 1385 (2007):

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be

utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

As set forth in MPEP 2143.03, to ascertain the differences between the prior art and the claims at issue, “[a]ll claim limitations must be considered” because “all words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385. According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the *Graham* factual inquiries are resolved, there must be a determination of whether the claimed invention would have been obvious to one of ordinary skill in the art based on any one of the following proper rationales:

(A) Combining prior art elements according to known methods to yield predictable results; (B) Simple substitution of one known element for another to obtain predictable results; (C) Use of known technique to improve similar devices (methods, or products) in the same way; (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (E) “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S.398, 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006), “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasonings with some rational underpinning to support the legal conclusion of obviousness.”

Therefore, if the above-identified criteria and rationales are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

- **Claims 1 and 16**

Claims 1 and 16 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole. This rejection is respectfully traversed.

- Independent claim 1

Independent claim 1 recites, *inter alia*, “accessing a network selection table comprised within a message transport part layer 3 (MTP3) application programming interface (API) level of a protocol stack to determine how to process the message . . . wherein the network selection table comprises entries that associate point codes with network types”. Independent claim 1 recites, *inter alia*, “receiving a message from an originating network element at an interface of a service application, wherein the service application interfaces with both a Signaling System 7 (SS7) network and an Internet Protocol (IP) network”. These features are not taught or suggested by Niermann or Poole.

The Office Action assert Niermann teaches “accessing a network selection table comprised within a message transport part layer 3 (MTP3) application programming interface (API) level of a protocol stack to determine how to process the message . . . wherein the network selection table comprises entries that associate point codes with network types”. More specifically, the Office Action asserts that the network selection table of the claimed invention “implicitly exists” because the signaling gateway 114A determines destination and network based upon NI and DPC received from SS7 network. *Office Action*, page 8. In

Niermann, however, the NI (network indicator) and DPC (destination point code) *are received by the signaling gateway with the SS7 traffic*. *Niermann*, para. [0040]. Therefore, because the network indicator, indicating which network is to be used, *is received with the traffic*, there is clearly no need for a network selection table comprising entries that associate point codes with network types. There is no need in Niermann to associate point codes with network types since a network indicator is received that already indicates which network type is to be used. *Niermann*, para. [0040]. Thus, Niermann clearly fails to teach or suggest “accessing a network selection table comprised within a message transport part layer 3 (MTP3) application programming interface (API) level of a protocol stack to determine how to process the message . . . wherein the network selection table comprises entries that associate point codes with network types”.

The Office Action relies on Niermann to teach “receiving a message from an originating network element at an interface of a service application, wherein the service application interfaces with both a Signaling System 7 (SS7) network and an Internet Protocol (IP) network”. Niermann discloses a system for routing SS7 signaling traffic over an IP backbone including a first signaling gateway that is configured to convert SS7 signaling traffic into an IP message stream and a second SG configured to recover SS7 signaling traffic from an IP message stream. *Niermann*, para. [0015]. In setting forth the rejection, the Office Action asserts that the signaling gateway SG 114A interface has a SS7 interface and an IP interface 118. Office Action, pages 7-8. However, the claimed invention recites *a service application* that interfaces with a SS7 network and an IP network, *not a signaling gateway*. In fact, the entire disclosure of the present application discounts the use of a signaling gateway because it is expensive and adds signaling complexity, and even discloses “generally

desirable to avoid them whenever possible”. *Applicants’ Specification*, page 2, para [0003] and page 6, para. [0002]. Thus, it is clear that Niermann does not teach or suggest “receiving a message from an originating network element at an interface of a service application, wherein the service application interfaces with both a Signaling System 7 (SS7) network and an Internet Protocol (IP) network”.

Moreover, Poole is simply relied on to teach other claim features and is not relied upon to teach the above-mentioned claim features.

At least for the foregoing reasons, Niermann and Poole fail to at least teach or suggest the above-mentioned features, as claimed in independent claim 1.

Accordingly, the Office Action has failed to establish that independent claim 1 is unpatentable over Niermann in view of Poole. The Examiner is thus respectfully requested to withdraw the rejection of independent claim 1 and the claims that depend therefrom and to allow all of these claims.

○ Dependent claim 16

Claim 16 is dependent from independent claim 1. Thus, claim 16 is also believed to be allowable over the cited documents of record for at least the same reasons as set forth to independent claim 1 above.

In view of the foregoing, it is therefore respectfully requested that the rejection of claim 16 be withdrawn, and this dependent claim be allowed.

• Claim 2

Claim 2 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole as applied to claim 1 above, and further in view of Miller. This rejection is respectfully traversed.

○ Dependent claim 2

Claim 2 is dependent from independent claim 1. Thus, claim 2 is also believed to be allowable over the cited documents of record for at least the same reasons as set forth to independent claim 1 above.

In view of the foregoing, it is therefore respectfully requested that the rejection of claim 2 be withdrawn, and this dependent claim be allowed.

• Claim 4

Claim 4 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole as applied to claim 1, and further in view of Garcia-Martin. This rejection is respectfully traversed.

○ Dependent claim 4

Claim 4 is dependent from independent claim 1. Thus, claim 4 is also believed to be allowable over the cited documents of record for at least the same reasons as set forth to independent claim 1 above.

In view of the foregoing, it is therefore respectfully requested that the rejection of claim 4 be withdrawn, and this dependent claim be allowed.

• Claims 5, 6 and 12

Claims 5, 6 and 12 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole and Miller. This rejection is respectfully traversed.

○ Independent claim 5

Independent claim 5 recites, *inter alia*, “access a network selection table comprised within a message transport part layer 3 (MTP3) application programming interface (API) level of a protocol stack to determine how to process the message, wherein the protocol stack comprises both a MTP3 layer and a MTP3 user adaptation layer (M3UA) layer, and wherein the network selection table comprises entries that associate point codes with network type”. Thus, claim 5 recites certain features similar to those recited in claim 1 above. Therefore, claim 5 is believed to be allowable over the cited documents of record for at least the same reasons set forth above with respect to claim 1. Moreover, Miller is simply used to teach a computer readable medium and is not relied upon to teach the salient features of the invention and is not relied upon for the above-mentioned claim features.

○ Dependent claims 6 and 12

Claims 6 and 12 are dependent from independent claim 5. Thus, claims 6 and 12 are also believed to be allowable over the cited documents of record for at least the same reasons as set forth to independent claim 5 above.

In view of the foregoing, it is therefore respectfully requested that the rejection of claims 6 and 12 be withdrawn, and these dependent claims be allowed.

• Claim 8

Claim 8 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole and Miller as applied to claim 5, and further in view of Garcia-Martin. This rejection is respectfully traversed.

○ Dependent claim 8

Claim 8 is dependent from independent claim 5. Thus, claim 8 is also believed to be allowable over the cited documents of record for at least the same reasons as set forth to independent claim 5 above.

In view of the foregoing, it is therefore respectfully requested that the rejection of claim 8 be withdrawn, and this dependent claim be allowed.

• **Claim 9**

Claim 9 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole and Miller as applied to claim 5 above, and further in view of Lundstrom. This rejection is respectfully traversed.

○ Dependent claim 9

Claim 9 is dependent from independent claim 5. Thus, claim 9 is also believed to be allowable over the cited documents of record for at least the same reasons as set forth to independent claim 5 above.

In view of the foregoing, it is therefore respectfully requested that the rejection of claim 9 be withdrawn, and this dependent claim be allowed.

• **Claim 10**

Claim 10 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole and Miller as applied to claim 5 above, and further in view of Prasad. This rejection is respectfully traversed.

○ Dependent claim 10

Claim 10 is dependent from independent claim 5. Thus, claim 10 is also believed to be allowable over the cited documents of record for at least the same reasons as set forth to independent claim 5 above.

In view of the foregoing, it is therefore respectfully requested that the rejection of claim 10 be withdrawn, and this dependent claim be allowed.

• **Claim 11**

Claim 11 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole and Miller as applied to claim 5 above, and further in view of Prasad. This rejection is respectfully traversed.

○ Dependent claim 11

Claim 11 is dependent from independent claim 5. Thus, claim 11 is also believed to be allowable over the cited documents of record for at least the same reasons as set forth to independent claim 5 above.

Moreover, the Office Action relies on Prasad to teach “wherein the device is not a signaling gateway”. However, the Examiner has clearly relied on the signaling gateway of Niermann to teach the device. Niermann discloses a system for routing SS7 signaling traffic over an IP backbone including a first signaling gateway that is configured to convert SS7 signaling traffic into an IP message stream and a second SG configured to recover SS7

signaling traffic from an IP message stream. *Niermann*, para. [0015]. In setting forth the rejection, the Office Action asserts that the signaling gateway SG 114A interface has a SS7 interface and an IP interface 118. *Office Action*, pages 7-8. However, the claimed invention recites *a service application* that interfaces with a SS7 network and an IP network, *not a signaling gateway*. In fact, the entire disclosure of the present application discounts the use of a signaling gateway because it is expensive and adds signaling complexity, and even discloses “generally desirable to avoid them whenever possible”. *Applicants’ Specification*, page 2, para [0003] and page 6, para. [0002].

Moreover, the Office Action uses an additional reference Prasad that discloses a routing table. However, reliance on Prasad does not discount the fact that Niermann uses a signaling gateway and the Examiner relies on the signaling gateway of Niermann to teach the claimed invention.

Thus, it is clear that the combination of references does not teach or suggest “wherein the device is not a signaling gateway”.

In view of the foregoing, it is therefore respectfully requested that the rejection of claim 11 be withdrawn, and this dependent claim be allowed.

- **Claim 13**

Claim 13 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole as applied to claim 1 above, and further in view of Prasad. This rejection is respectfully traversed.

- Dependent claim 13

Claim 13 is dependent from independent claim 1. Thus, claim 13 is also believed to be allowable over the cited documents of record for at least the same reasons as set forth to independent claim 1 above.

In view of the foregoing, it is therefore respectfully requested that the rejection of claim 13 be withdrawn, and this dependent claim be allowed.

- **Claim 14**

Claim 14 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole as applied to claim 1 above, and further in view of Lundstrom. This rejection is respectfully traversed.

- Dependent claim 14

Claim 14 is dependent from independent claim 1. Thus, claim 14 is also believed to be allowable over the cited documents of record for at least the same reasons as set forth to independent claim 1 above.

In view of the foregoing, it is therefore respectfully requested that the rejection of claim 14 be withdrawn, and this dependent claim be allowed.

- **Claims 15**

Claim 15 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by Niermann in view of Poole as applied to claim 1 above, and further in view of Prasad. This rejection is respectfully traversed.

- Dependent claim 15

Claim 15 is dependent from independent claim 1. Thus, claim 15 is also believed to be allowable over the cited documents of record for at least the same reasons as set forth to independent claim 1 above.

Moreover, the Office Action relies on Prasad to teach “wherein the service application is not a signaling gateway”. However, the Examiner has clearly relied on the signaling gateway of Niermann to teach the service application. Niermann discloses a system for routing SS7 signaling traffic over an IP backbone including a first signaling gateway that is configured to convert SS7 signaling traffic into an IP message stream and a second SG configured to recover SS7 signaling traffic from an IP message stream. *Niermann*, para. [0015]. In setting forth the rejection, the Office Action asserts that the signaling gateway SG 114A interface has a SS7 interface and an IP interface 118. *Office Action*, pages 7-8. However, the claimed invention recites *a service application* that interfaces with a SS7 network and an IP network, *not a signaling gateway*. In fact, the entire disclosure of the present application discounts the use of a signaling gateway because it is expensive and adds signaling complexity, and even discloses “generally desirable to avoid them whenever possible”. *Applicants’ Specification*, page 2, para [0003] and page 6, para. [0002].

Moreover, the Office Action uses an additional reference Prasad that discloses a routing table. However, reliance on Prasad does not discount the fact that Niermann uses a signaling gateway and the Examiner relies on the signaling gateway of Niermann to teach the claimed invention.

Thus, it is clear that the combination of references does not teach or suggest “wherein the service application is not a signaling gateway”.

PATENT

Atty Docket No.: 200312561-3

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In view of the foregoing, it is therefore respectfully requested that the rejection of claim 15 be withdrawn, and this dependent claim be allowed.

PATENT

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Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: June 14, 2010

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